

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TAMMY ALLEN, PERSONAL)
REPRESENTATIVE OF THE ESTATE)
OF NORMAN ALLEN,)
Plaintiff,)
V.)
THE UNITED STATES OF AMERICA,)
Defendant.)

1:05-CV-011463

FILED
IN THE SUPERIOR COURT
FOR THE COUNTY OF ESSEX
MAY 12 2006
Thomas H. Russell
CLERK

NOTICE PURSUANT TO M.G.L. c. 233, § 79C

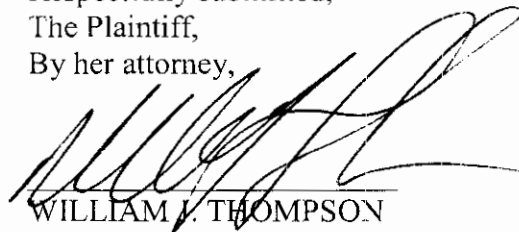
The Plaintiff, pursuant to M.G.L. c. 233 § 79C, hereby gives the Defendant notice of her intention to submit the following treatises at the trial of the captioned action for medical malpractice:

- A. Brendler, Sarah J., M.D. and Tolle, Susan, W., M.D., "Fecal Occult Blood Screening and Evaluation for a Positive Test", **Western Journal of Medicine**, Volume 146, No. 1, pp. 103-105 (January 1987).
- B. Eddy, David M., M.D., Ph.D., "Screening for Colorectal Cancer", **Annals of Internal Medicine**, Volume 113, No. 5, pp. 373-384 (September 1, 1990).
- C. Ahlquist, David A., M.D., Klee, George, G., M.D., Ph.D., McGill, Douglas B., M.D. and Ellefson, Ralph D., M.D., "Colorectal Cancer Detection in the Practice Setting, Impact of Fecal Blood Testing", **Archives of Internal Medicine**, Volume 150, No. 5 pp. 1041-1045 (May 1990).
- D. Eisner, Mark S., M.D. and Lewis, James H., M.D., "Diagnostic Yield of a Positive Fecal Occult Blood Test Found on Digital Rectal Examination", **Archives of Internal Medicine**, Volume 151, No. 11 pp. 2180-2184 (November 1991).

- E. Brint, Steven L., M.D., DiPalma, Jack A., M.D., and Herrera, Jorge L., M.D., "Is a Hemoccult-Positive Rectal Examination Clinically Significant?", **Southern Medical Journal**, Volume 86, No. 6 pp. 601-603 (June 1993).
- F. Gelfand, David W., M.D., "Colorectal Cancer, Screening Strategies", **Radiologic Clinics of North America**, Volume 35, No. 2 pp 431-438 (March 1997).
- G. Early, Dayna S., M.D., "Colorectal Cancer Screening: An Overview of Available Methods and Current Recommendations.", Volume 92, No. 2 pp. 258-265 (March 1999).
- H. Winawer, Sydney J., M.D., Zauber, Ann G., Ph.D., Ho, May Nah, M.S., O'Brien, Michael J., M.D., Gottlieb, Leonard S., M.D., Sternberg, Stephen S., M.D., Waye, Jerome D., M.D., Schapiro, Melvin, M.D., Bond, John H., M.D., Panish, Joel, F., M.D., Ackroyd, Frederick, M.D., Shike, Moshe, M.D., Kurtz, Robert C., M.D., Hornsby – Lewis, Lynn, M.D., Gerdes, Hans, M.D., Stewart, Edward T., M.D., and the National Polyp Study Workgroup, "Prevention of Colorectal Cancer by Colonoscopic Polypectomy", **The New England Journal of Medicine**, Volume 329, No. 27 pp. 1977-1981 (December 1993).
- I. Selby, Joe V., M.D., M.P.H., Friedman, Gary D., M.D., M.S., Queensberry Jr., Charles P., Ph.D., and Weiss, Noel, M.D., Dr.p.H., "A Case-Control Study of Screening Sigmoidoscopy and Mortality from Colorectal Cancer", **The New England Journal of Medicine**, Volume 326, No. 10 pp. 654-657 (March 1992).
- J. Newcomb, Poily A., Norfleet, Robert G., Storer, Barry E., Surawicz, Tanya S., Marcus, Pam M., "Screening Sigmoidoscopy and Colorectal Cancer Mortality", **Journal of the National Cancer Institute**, Volume 84, No. 20 pp. 1572-1575 (October 1992).
- K. Winawer, Sidney J., M.D., Flehinger, Betty J., M.D., Schottenfeld, David, M.D., Miller, Daniel G., M.D., "Screening for Colorectal Cancer with Fecal Occult Blood Testing and Sigmoidoscopy", **Journal of the National Cancer Institute**, Volume 85, No. 16 pp. 1311-1318 (August 1993).

- L. Winawer, Sidney J.; Fletcher, Robert H.; Miller, Laura; Godlee, Fiona; Stolar, Michael H.; Mulrow, Cynthia D.; Woolf, Steven H.; Glick, Seth N.; Ganiats, Theodore G.; Bond, John H.; Rosen, Lester; Zapka, Jane G.; Olsen, Sharon J.; Giardiello, Francis, M.; Sisk, Jane E.; Antwerp, Ross Van; Brown-Davis, Carolyn; Marciniak, Debra A; Mayer, Robert J., "Colorectal Cancer Screening: Clinical Guidelines and Rationale," **Gastroenterology, American Gastroenterological Association**, Volume 112, No. 2 pp. 594-642 (1997).

Respectfully submitted,
The Plaintiff,
By her attorney,

A handwritten signature in black ink, appearing to read 'WJ Thompson', is written over a horizontal line.

WILLIAM J. THOMPSON
LUBIN & MEYER, P.C.
100 City Hall Plaza
Boston, MA 02108
(617) 720-4447
BBO#: 559275

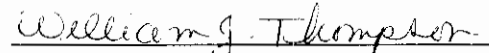
CERTIFICATE OF SERVICE

I, Andrew C. Meyer, Jr., hereby state that on April 25, 2006, I served a copy of the following:

Notice Pursuant to M.G.L.c.233 § 79C

on the defendant, by mailing a copy of the same, postage prepaid addressed to the following parties of interest:

Christopher Alberto, Assistant U.S. Attorney
U.S. Department of Justice
John Joseph Moakley United States Courthouse
One Courthouse Way, Suite 9200
Boston, MA 02210


William J. Thompson
Lubin & Meyer, P.C.
100 City Hall Plaza
Boston, MA 02108
(617) 720-4447
BBO #: 559275

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

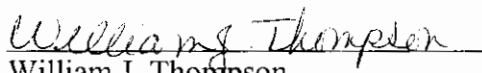
TAMMY ALLEN, PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
OF NORMAN ALLEN,)	
Plaintiff,)	
)	1:05-CV-011463
V.)	
)	
THE UNITED STATES OF AMERICA,)	
Defendant.)	

AFFIDAVIT PURSUANT TO M.G.L. c. 233 § 79C

I, Andrew C. Meyer, Jr., hereby depose and say the following:

1. I am an attorney at the law firm of Lubin & Meyer, P.C., 100 City Hall Plaza, Boston, Massachusetts 02108;
2. I have sent via Certified Mail to all parties, pursuant to Massachusetts General Law, c. 233 §79C, notice of Plaintiff's intention to introduce the following medical literature into evidence at trial:
 - A. Fecal Occult Blood Screening and Evaluation for a Positive Test;
 - B. Screening for Colorectal Cancer;
 - C. Colorectal Cancer Detection in the Practice Setting, Impact of Fecal Blood Testing;
 - D. Diagnostic Yield of a Positive Fecal Occult Blood Test Found on Digital Rectal Examination;
 - E. Is a Hemoccult-Positive Rectal Examination Clinically Significant;
 - F. Colorectal Cancer, Screening Strategies;
 - G. Colorectal Cancer Screening: An Overview of Available Methods and Current Recommendations;
 - H. Prevention of Colorectal Cancer by Colonoscopic Polypectomy;
 - I. A Case-Control Study of Screening Sigmoidoscopy and Mortality from Colorectal Cancer;
 - J. Screening Sigmoidoscopy and Colorectal Cancer Mortality;
 - K. Screening for Colorectal Cancer with Fecal Occult Blood Testing and Sigmoidoscopy;
 - L. Colorectal Cancer Screening: Clinical Guidelines and Rationale.
3. Attached is a true copy of the original return receipt for Certified Mail (green card).

Signed under the penalties of perjury this 8th day of May, 2006.


William J. Thompson


CERTIFICATE OF SERVICE

I, Andrew C. Meyer, Jr., hereby state that on May 8, 2006, I served a copy of the following:

1. *Affidavit Pursuant to M.G.L. c. 233, §79C; and*
2. *Original Return Receipt for Certified Mail (Green Card).*

on the defendant, by mailing a copy of the same, postage prepaid addressed to the following parties of interest:

Christopher Alberto, Assistant U.S. Attorney
U.S. Department of Justice
John Joseph Moakley United States Courthouse
One Courthouse Way, Suite 9200
Boston, MA 02210


William J. Thompson
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